

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I regarding aquatic invasive) PROPOSED ADOPTION
species inspection stations)

TO: All Concerned Persons

1. On May 19, 2011 at 6:00 p.m. the Department of Fish, Wildlife and Parks (department) will hold a public hearing at the Fish, Wildlife and Parks Region 1 office located at 490 North Meridian Road, Kalispell, Montana to consider the adoption of the above-stated rule.

On May 23, 2011 at 6:00 p.m. the department will hold a public hearing at the Fish, Wildlife and Parks Region 5 office located at 2300 Lake Elmo Drive, Billings, Montana to consider the adoption of the above-stated rule.

On May 23, 2011 at 6:00 p.m. the department will hold a public hearing at the Fish, Wildlife and Parks Headquarters office located at 1420 East 6th Avenue, Helena, Montana to consider the adoption of the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the department no later than May 13, 2011, to advise us of the nature of the accommodation that you need. Please contact Jessica Fitzpatrick, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; e-mail jfitzpatrick@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I AQUATIC INVASIVE SPECIES INSPECTION STATIONS

(1) Vessels that are intended to be launched on any water in Montana must stop at designated inspection stations operated by the department and be subject to inspection for aquatic invasive species.

(2) Areas subject to the search include but are not limited to:

- (a) the exterior of the vessel;
- (b) livewells;
- (c) bait buckets;
- (d) bilge areas; and
- (e) trailer transporting vessel.

(3) Any vessel at an inspection station found with an invasive species must be decontaminated and pass a second inspection prior to being allowed to launch in Montana waters.

AUTH: 80-7-1007, 80-7-1012, 87-1-201, MCA

IMP: 80-7-1007, MCA

4. REASONABLE NECESSITY: The Fish, Wildlife and Parks Aquatic Invasive Species Program has been operating watercraft inspection stations since 2004. The stations have been conducted primarily at access points to waterbodies although they have also been conducted at major border crossings into the state. It was found to be more efficient to operate the stations closer to bodies of water. The stations have been operated under the authority that anglers must stop at Fish, Wildlife and Parks check stations (87-1-207, MCA). Fish, Wildlife and Parks has received some criticism that our check stations are not mandatory for all watercraft. The proposed rule would make it mandatory for all watercraft to stop at a designated Fish, Wildlife and Parks watercraft inspection station if the intention is for the watercraft to launch on any state water. The purpose of the inspection would be to inspect the vessel for any aquatic invasive species, including allowing the inspection of any areas of the boat that may hold water such as livewells, bait buckets, and bilge areas.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to FWP Exotics, Fisheries, P.O. Box 200701, Helena, MT 59620-0701, or e-mail them to fwpexotics@mt.gov. Any comments must be received no later than May 27, 2011.

6. Eileen Ryce or another hearings officer appointed by the department has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife, and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by letter dated November 17, 2010, along with a copy of the proposed rule.

/s/ Joe Maurier

Joe Maurier

Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter

Rule Reviewer

Department of Fish, Wildlife and Parks

Certified to the Secretary of State April 18, 2011